

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA JOHN WELLIVER,

Defendant.

CR 19-153-BLG-DLC-TJC

**FINDINGS AND
RECOMMENDATION OF
U.S. MAGISTRATE JUDGE**

The Defendant, by consent, appeared before me under Fed. R. Crim. P. 11 and entered a plea of guilty to Counts I, II and III of the Indictment which charges the crimes of possession with intent to distribute heroin, in violation of 21 U.S.C. § 841(a)(1), possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i); and prohibited person in possession of firearms, in violation of 18 U.S.C. § 922(g)(1).

After examining the Defendant under oath, the Court determined:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offenses charged against him;
2. That the Defendant is aware of the nature of the charges against him and the consequences of pleading guilty to the charges;

3. That the Defendant fully understands his pertinent constitutional rights and the extent to which he is waiving those rights by pleading guilty to the criminal offenses charged against him; and

4. That his plea of guilty to the criminal offenses charged against him is knowingly and voluntarily entered, and is supported by independent factual grounds sufficient to prove each of the essential elements of the offenses charged.

The Court further notes that Defendant entered the guilty plea without a written plea agreement and counsel represented that no more favorable plea agreement offers were made.

Therefore, I recommend that the Defendant be adjudged guilty of the charges in Counts I, II and III of the Indictment and that sentence be imposed.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days after the filing of the Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 23rd day of January, 2020.



TIMOTHY J. CAVAN
United States Magistrate Judge